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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 8th MEETING

Held at Headquarters, New York,
on Monday, 20 April 1981, at 10.30 a.m.

Chairman: Mr. JOHNSON (Ecuador)

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Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States Parties to the Covenant concerning rights covered by articles 10 to 12 (continued)

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The meeting was called to order at 10.35 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12 (continued)

Report of the German Democratic Republic (E/1980/6/Add.6)

1. At the invitation of the Chairman, Mr. Lämmerzahl (German Democratic Republic) took a place at the table.

2. Mr. LÄMMERZAHL (German Democratic Republic) pointed out that his country's report concentrated on the important aspects of the situation relating to the rights covered by articles 10 to 12 of the Covenant. The safeguarding and implementation of those rights had received attention since the foundation of the German Democratic Republic and, as was apparent in the report, that effort had become more and more successful as his country's economic potential had grown. The previous 10 years had been the most successful period in his country's history in terms both of over-all economic development and of raising the standard of living and quality of life for all citizens.

3. Under the comprehensive social programme implemented in 1971, top priority had been given to housing construction. Since that year, 1.4 million new dwellings had been built and the housing of more than 4 million citizens had been improved. Two thirds of the newly built dwellings had been made available to working-class people, particularly those with large families. Under the social programme, the State had assumed a larger proportion of the financial burden involved in the raising of children by increasing the family allowances and allowances for child care, large families and young married couples; it had also increased sickness, disability and old-age benefits. All those measures had been implemented in stages: in 1971, the wages of more than 1.7 million workers and the pensions of about 2.3 million citizens had been increased; in 1972, the pensions of another 3.9 million citizens had been raised, the working hours of 200,000 working mothers had been shortened, longer holiday leave had been granted for 400,000 working mothers, interest-free loans had been instituted for young married couples, pregnancy and maternity leave had been extended to 18 months and confinement benefits had been raised to 1,000 marks per child; in 1973, more funds had been made available for nursing and social care; in 1974, higher scales of remuneration and extended leave had been provided for 400,000 trainess; in 1975, the leave of 1.5 million employees had been extended; in 1976, pregnancy and maternity leave had been extended to 26 weeks with the payment of full average net earnings, mothers had been granted paid leave for absences of one year starting with the birth of their second child, the wages of 1 million workers had been raised and the funds for nursing and social care had been increased; in 1977, the leave of 1.2 million employees had been extended and the 40-hour week had been introduced for more than 1.5 million employees; in 1978, social security benefits granted in the event of sickness, industrial accidents or occupational disease had been increased; in 1979, the leave of all employees had been extended, and pensions and social services for

(Mr. Lämmerzahl, German Democratic Republic)

more than 3 million people had been increased; in 1980, a very successful year, the growing productivity and efficiency of the national economy had made it possible to consolidate the achievements of the economic and social policies and further to improve material and cultural living standards. An essential prerequisite for that had been the 4.2 per cent increase in the national income generated in 1980, as compared with 1979.

4. As was apparent from the report and preceding comments, many social measures were aimed at further improving the working and living conditions of women and mothers, in accordance with the State's basic effort to give women every opportunity to play a full and equal role in all spheres of life. Educational and vocational opportunities were open to them, they had the same rights as men and received equal pay for equal work. Women accounted for half the work force in the German Democratic Republic.

5. Accordingly, pre-school facilities for children of working women were considered to be an integral part of the education system. There were day nurseries, or crèches, for children up to three years of age and kindergartens for those from three to six years. Experienced teachers focused on developing the children's physical and mental capabilities in a systematic manner. Children also received periodic medical examinations free of charge. As from 1979, 60 per cent of children up to three years of age attended crèches, and 92 per cent of those between the ages of three and six attended kindergartens. The State paid 2,500 marks and 1,040 marks for each child in a crèche or kindergarten, respectively; parents paid a nominal contribution of approximately one tenth of those amounts to cover the cost of the meals provided.

6. With a view to better enabling women to co-ordinate their professional and family responsibilities, the working week for about 500,000 mothers employed full time, with two children under the age of 16 living at home, had been reduced to 40 hours, without any loss of pay. For 400,000 employed mothers with two or more children, annual leave had been increased by three to nine days. The benefits provided by the State in connexion with maternity leave and child care were the same for married and unmarried women.

7. The repayment of the 5,000 mark interest-free loans granted to young married couples was waived, in stages, at the birth of each child (E/1980/6/Add.6, p. 3). Between 1972 and 31 October 1980, 3,887 million marks had been granted in such interest-free loans. In 1980, the Government had provided 282 million marks for the paid leave to which working mothers were entitled for one year after the birth of their second or any further child. All those measures were reflected in the steady rise in the number of births since 1975.

8. The report and the preceding observations showed that all such efforts focused on the over-all development of the individual. As a result of that policy, remarkable progress had been made in implementing the programme of economic growth, stability, full employment and prosperity. At the recent Tenth Congress of the Socialist Unity Party, further decisions had been taken in connexion with the

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programme and, as the Secretary-General of the Party and the Chairman of the State Council had reported at that time, the German Democratic Republic would continue to pursue its time-tested policy of putting the people first.

9. Mr. SOFINSKY (Union of Soviet Socialist Republics) noted that the interesting report and detailed introduction provided an impressive picture of the implementation of articles 10 to 12 of the Covenant. He had been particularly interested in the fact that, under the housing construction programme, housing was made available to working people, priority being given to those with large families. That information and the very extensive information provided during the Tenth Congress of the Socialist Unity Party made it clear that the provisions of the Covenant were being implemented successfully in the German Democratic Republic.

10. The report also contained information concerning the German Democratic Republic's participation in solving the world food problem (p. 8) and the measures being taken to protect the environment (p. 10).

11. In conclusion, he requested additional information concerning child-care, particularly measures relating to physically or mentally handicapped children.

12. Ms. BOSHKOVA (Bulgaria) observed that the report provided a very clear and comprehensive picture of the great success achieved by the German Democratic Republic. Accordingly, she merely wished to request additional details concerning the crèche and kindergarten system and the relevant decrees as well as information on ways in which the Labour Code protected young people.

13. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) read out the second paragraph on page 3 of the report (E/1980/6/Add.6) and noted that some partially incapacitated persons were fit to contract marriage. Accordingly, he asked whether the German Democratic Republic had adopted any legislation applicable to such persons and what bodies decided whether or not a person was legally incapacitated.

14. Mr. SVERRE (Norway), referring to provisions concerning the right to an adequate standard of living (E/1980/6/Add.6, p. 7), requested additional information on the experience acquired in increasing the national income on planned lines and about future expectations in that connexion. Referring to the remarkable effort being made in the housing programme, he requested additional information on the situation of individual citizens, the current housing supply - for example the number of dwellings per 1,000 inhabitants - the extent to which individuals were free to choose their own dwelling and the possibilities of obtaining financial assistance when such a choice was exercised.

15. Mrs. JIMENEZ BUTRAGUEÑO (Spain), referring to the provisions governing single heads of families who, in her opinion, could include single mothers or fathers, widows or widowers, asked whether the rights of men and women were equal in that connexion or whether women were eligible for greater assistance. With regard to the employment of young people 14 years of age or older during school holidays (E/1980/6/Add.6, p. 7), she noted that such provisions could help to prepare young people for future employment and requested additional information.

(Mrs. Jimenez Butraqueño, Spain)

16. In conclusion, she requested further information on the extended annual leave to which the mothers of three or more children were entitled and asked whether the workloads of such women were lightened in certain establishments.

17. Mr. SAMSON (International Labour Organisation) pointed out that the indications concerning the German Democratic Republic provided by the ILO Committee of Experts were contained on pages 17 to 19 of document E/1981/41. He noted that the German Democratic Republic had ratified the relevant ILO Convention (No. 103) on maternity protection and that maternity allowances were payable to employed women workers, to women members of production co-operatives and to self-employed women. The Labour Code also contained various provisions for the protection of the health and security of employment of employed women workers during pregnancy and after childbirth. The ILO Committee of Experts had considered that additional information would be desirable on any measures taken, under the powers granted to the Council of Ministers by the Labour Code, to apply the protection offered under the Labour Code to women members of production co-operatives.

18. As to the employment of children and young persons, the Committee of Experts had considered that information would be desirable on any measures taken to regulate the work done by children and young persons in production co-operatives and, in general, outside an employment relationship. It had also considered that information would be desirable on the extent and nature of the employment of persons who were permitted to leave school to take up employment before completing the usual period of compulsory education.

19. Miss MANGAZA LUANGHY (Zaire), referring to the last paragraph on page 6 of the report concerning the advancement and protecion of children and youths, requested additional details concerning children born out of wedlock and asked whether they enjoyed the same status as legitimate children.

20. Mr. LÄMMERZAHL (German Democratic Republic), replying to the request from the USSR representative regarding services available to physically and mentally handicapped children, said he wished first of all to stress the importance of the fact that the United Nations had declared 1981 the International Year of Disabled Persons. It had been the stated objective of the German Democratic Republic, from its earliest days, to integrate such people so far as possible into normal life through medical assistance, rehabilitation, social maintenance and other services. There were special groups of handicapped children in crèches and in more than 500 special schools, including preschool facilities. There were more than 31,000 special jobs for rehabilitated handicapped persons. In 1974 the Ministry of Health had established principles for the promotion of children and young people who were unable to pursue a regular educational programme. In 1969, a law had been enacted granting rehabilitated persons, especially the severely handicapped, the right to work. The first executive regulation enacted under the Labour Code in 1951 provided for the integration of the severely disabled. Every plant and office was required to reserve 10 per cent of its jobs for disabled persons. Decrees on compulsory social insurance, pension plans and social maintenance provided material and financial benefits for the disabled. In 1976, an ordinance had been issued for

(Mr. Lämmerzahl, German Democratic Republic)

further improvement of public assistance. Rehabilitation commissions assisted the handicapped during the period of their employment and the Labour Code contained provisions for the protection of their health and occupational safety. In particular, it dealt with the employment of handicapped young persons, vocational training and rehabilitation for handicapped adults and rehabilitation for working people impaired by long illness or serious accidents. There were many special workshops for the handicapped. In general, the efforts to integrate all disabled persons into social life had been quite successful. In the German Democratic Republic, no disabled person had the feeling of being an outsider.

21. With regard to the question from the representative of Bulgaria on the situation with regard to crèches and kindergartens, he said that working and student mothers who had children between the ages of five months and three years could entrust their children to a crèche for care and education. The crèche was the starting-point for the integration of the child into the socialist educational system. It contributed, in close collaboration with the parents, to the upbringing of the children, in order to ensure their healthy and harmonious development. The network of crèches would be expanded in accordance with the national economic plans. In 1980, there has been more than 280,000 places in 6,350 crèches, i.e., 610 places per 1,000 children. A single mother whose children could not be given immediate accommodation in a crèche was guaranteed a special allowance under the obligatory social insurance plan. In the crèches, children were cared for and educated free of charge. The parents contributed up to 1 mark 40 pfennig for lunch in the daily crèches and up to 2 marks in the weekly crèches. Special material needs of the children were cared for. The teachers were well qualified and usually graduates of technical schools. The next step in the educational system was the kindergarten, attended by children between the ages of three and six years. In that age group, more than 900 per 1,000 children were now being placed, by comparison with 1949, when only 173 places per 1,000 children had been available. In 1980, sanatoria had been made available for over 20,000 children between the ages of 3 and 14.

22. The Bulgarian representative had also asked for further data on young people under the Labour Code. Under article 20 of the Constitution, the social and vocational development of young people was especially promoted and they enjoyed every opportunity for participation in the socialist order, in which conditions had been created to enhance their political, intellectual and moral development. The Youth Act provided for the protection of youth, as did the Penal Code, which prescribed punishment for failure to provide sustenance, violations of educational law, inducement to misuse of alcohol and other abuses affecting young persons.

23. Under the Labour Code, employment contracts for young people could only be entered into after age 16; however, the age could be lowered to 14 if a youth had, for some reason such as the decision of a headmaster, permanently left a 10-year polytechnic establishment. Other provisions of the Code which protected young persons were article 210, which provided that young persons could not be employed unless they were first found by a medical practitioner to be physically fit and were examined once a year during the term of employment; article 165,

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which provided for a minimum rest period of 13 hours between two shifts for persons under 18 years of age; article 117, which prohibited the employment of persons under the age of 18 between 6 p.m. and 6 a.m.; article 174, which provided that persons between the ages of 16 and 18 could not be ordered to work more than two hours of overtime on any two consecutive days and not more than 60 hours in any one year; and article 175, which provided that those under the age of 16 and apprentices could not work overtime.

24. Referring to the Libyan representative's question regarding the marriageability of legally incapacitated persons, he explained that the prohibition applied to persons with severe mental disturbances. Able persons with legal capacity were allowed to marry. The decision lay with the officer responsible for the registration of marriages.

25. With regard to the Norwegian representative's question concerning the right to an adequate living standard, he recalled that in his introductory remarks on national income, he had mentioned that the success achieved in 1980 had been possible because of a 4.2 per cent increase in the national income in 1980 with respect to 1979. The past 10 years had been very successful for his country, which after 30 years of hard work enjoyed economic growth, stability, full employment and prosperity. Its basic assets were more than 650 billion marks. In 1980, 20.6 per cent of the national income had been devoted to accumulation, 12 per cent of which had been productive accumulation. As a result of the high performance of all workers, the national income in 1977 had already exceeded 155 million marks and had risen in 1978 by a further 4 per cent.

26. The same representative had asked for details regarding the housing programme. The German Democratic Republic attached high priority to that programme and had declared its intention to solve housing problems by 1990. By that time, every family should have a flat of its own, suited to the size and composition of the family. Good results had already been obtained to date. In 1980, the number of dwellings had exceeded 170,000; over 120,000 new buildings had been built, and 50,000 dwellings had been modernized. In the 1990s, rents would be kept low. In 1981, housing conditions for 7 1/2 million people would be improved through modernization. At the present time, there was a waiting period for persons applying for housing and special emphasis was being given to the solution of that problem. His Government attached great importance to the harmonious development of young families. The consistently low rents were evidence of the State's concern with providing subsidized housing, for which a family paid between 4 and 5 per cent of its income. Tenants paid about one third of the actual cost of one square metre of space.

27. On the question whether a free choice of dwelling existed, he replied that everybody had the opportunity to choose his own, although an application was required. He would provide specific figures on the supply of dwellings per 1,000 inhabitants the next time the Working Group took up the report of his country.

(Mr. Lämmerzahl, German Democratic Republic)

28. Replying to the representative of Spain, who had asked about family legislation and the roles of men and women in the family, he said that in the German Democratic Republic, women enjoyed complete equality. The Family Code was based on the fact that marriage and family relations were determined by social realities: the building of socialism had created conditions that were favourable for the harmonious development of the family. Since exploitation had been abolished, women were equal to men in every respect in marriage and family life, which was based on mutual love, respect and confidence. One condition for marriage was that the parties should be at least 18 years old. The couple was allowed to choose either the husband's or the wife's name as the family surname. All matters affecting either or both partners were settled by mutual consent and both played a part in the upbringing of children and the performance of household duties. Both partners were legally able to act on behalf of the children and to represent each other in matters of joint concern. Property was also jointly owned by the partners. The Family Code stipulated that women had the right to work and to participate in public affairs, but neither the husband nor the wife was obliged to take employment; they could decide whether either or both of them wished to work. However, if the wife chose to stay home with the children, she was not at a legal disadvantage.

29. Regarding the Spanish representative's question concerning the possibility of a man having to bring up the children by himself, he said that the man would be in the same position as a woman in terms of the legal system and Labour Code provisions, such as the provision that every working wife had a day in which to do housework.

30. With regard to the queston from the representative of Zaire, he said that the legal position of a child born out of wedlock was exactly the same as that of a child born of a marriage.

31. The CHAIRMAN said that, if he heard no objection, he would take it that the Working Group had concluded its examination of the report of the German Democratic Republic.

32. It was so decided.

33. Mr. Lämmerzahl (German Democratic Republic) withdrew.

34. At the invitation of the Chairman, Mr. Enkhsaikhan (Mongolian People's Republic) took a place at the table.

35. Mr. ENKHSAIKHAN (Mongolian People's Republic) said that Mongolian legislation covered many of the rights embodied in the Covenant; the 1960 Constitution declared the main purpose of socialist construction to be to satisfy to the maximum the steadily growing personal and collective needs of society; equality of rights was guaranteed by article 76.

(Mr. Enkhsaikhan, Mongolian People's Republic)

36. The Constitution guaranteed the right to work and to receive payment in accordance with its quantity and quality, and the right to leisure (with a maximum permissible working day of eight hours and one guaranteed day of rest per week), to maintenance in old age and in the event of disability, sickness or the loss of the family breadwinner, and the right to education. Women were guaranteed equal rights with men in all spheres of life and activity under article 84 of the Constitution, and their entitlement was given substance by the State's promotion of maternal and child welfare, maternity leave, maternity hospitals and other provisions and facilities. The rights guaranteed under the Constitution were set forth in detail in the national Labour Code, Family Code and Health Code.

37. Since the entry into force of the Covenant, the national parliament had adopted a number of acts in furtherance of economic, social and cultural rights, such as the 1978 Public Health Law, changes in pension law extending entitlement to the members of agricultural co-operatives, and income-tax reductions.

38. Turning more specifically to the report, he explained that the Labour Code devoted entire chapters to child and female labour, and that some infringements of women's rights were regarded as penal violations and punishable under the Code. Mongolia had spent more than 150 million tughriks over the past five years on maternity benefits, and there were plans to bring all pregnant women and children under three years of age under full State medical protection and control over the forthcoming five-year period. The first step in that process was scheduled to take place within the year, when medical attention for children under one year of age would be made completely free of charge. Almost 60 per cent of the children of cattle-breeders were already looked after in boarding schools and there were plans to expand the schools until placed were available for 90 per cent.

39. On average, the real income of the population had increased by some 14 per cent over the past five years, with factory and officer workers' salaries increasing by 3.8 per cent, and the wages paid to industrial and construction workers going up by some 8.2 per cent. At the same time, the portion of a factory or office worker's income subject to tax had been cut by nearly 30 per cent and the non-taxable income level had been raised from 300 to 500 tughriks.

40. Over the past five years the State had spent 110 million tughriks on labour protection, with a resultant fall of 15 per cent in the industrial accident rate. State allocations to social insurance over the same period had totalled 700 million tughriks.

41. In agriculture, the policy was to increase output and over the past five years 2.2 billion tughriks had been spent on material and technical improvements in land use, productivity and the quality of produce. The same period had seen 277,000 hectares of virgin land brought under cultivation. Average food production in the Republic was well above the world average for wheat, meat and offal, and milk, and there were plans to increase output further over the period 1981-1985.

(Mr. Enkhsaikhan, Mongolian People's Republic)

42. As the report indicated, providing modern housing for its inhabitants remained one of the country's major social problems; but 740,000 square metres of new housing had become available since 1976, representing a 1.8-fold increase in the housing stock. Further increases were planned for the coming five years.

43. The public health system was one of Mongolia's greatest achievements, and was responsible for marked improvements in medical and health standards. Over six decades, life expectancy had risen from 35 to 65 years, and the country now boasted 107 hospital beds and 22 physicians per 10,000 inhabitants. Over the coming five years the number of medical staff would be increased by between 6,000 and 7,000, and the number of hospital beds by 14 to 16 per cent.

44. Mr. BORCHARD (Federal Republic of Germany) welcomed the statistical information provided by the Mongolian representative, since the report in some cases had lacked the facts and figures necessary to demonstrate that the legal rights proclaimed in Mongolia were actually put into practice.

45. The report indicated that women could take regular annual leave before and after their maternity leave if they wished; he wondered whether the decision rested with the women alone and, if so, whether they normally availed themselves of the opportunity.

46. He wondered also whether the special retirement and leave privileges for women with a large number of children did not act as an inducement to women to have large families. In that same connexion, he asked whether there were plans to extend eligibility for free leave in rest homes to women with only four children or even three children, since three or four children could represent a considerable burden. He also asked whether circumstances might ever require the mother or other members of the family to go out to work, regardless of the number of children to be looked after, following the death of the family breadwinner.

47. Turning to housing, he commented that in view of the very high birth-rate and growing life expectancy, it seemed unlikely that Mongolia's construction efforts would meet the demand for housing in the foreseeable future. Additionally, it must be hard to provide an adequate standard of living and maintain high standards of medical attention for the population at large. He had been interested, therefore, in the food production statistics cited by the Mongolian representative in his introduction: he would be equally interested to know whether there was any correlation between the levels of food production and food consumption within the country, or whether agricultural output was destined for export.

48. Mr. SHAMMA (Jordan) asked if the Government had any plans to provide recreational facilities for children over the summer holidays when they were not at school, and whether there was any legislation prohibiting children from working to learn a trade, without necessarily receiving any wage.

49. Mr. ABDUL AZIZ (Libyan Arab Jamahiriya) asked for further information on the law preventing the exploitation of minors by their employers, particularly in circumstances where the legislation protecting minors from dismissal unless alternative employment was found would otherwise apply.

50. Mr. KORDS (German Democratic Republic) asked what benefits were available under the Mongolian social insurance system. Mongolia had long established cultural and family traditions: he wondered to what extent such traditions affected modern family relationships, and also whether restrictions on eligibility for marriage could be imposed on medical grounds.

51. Mr. SVERRE (Norway) observed that the report, like many others, seemed to pay insufficient attention to that part of Economic and Social Council resolution 1988 (LX) which called on States to report on the difficulties they encountered in putting the Covenant into practice. He asked the Mongolian representative for more information in that respect.

52. He also inquired what relation the number of children attending school bore to the total number of children of school age; and what became of children between the ages at which they were legally permitted to leave school and when they were legally entitled to take up employment.

53. Mrs. JIMENEZ BUTRAGUEÑO (Spain) asked what happened to the children when mothers took annual leave or periods in a rest home to which, under Mongolian legislation, they were entitled. Did the children accompany them on leave?

54. She also asked whether maintenance benefits were payable in the event of a breadwinner's becoming unable to work, or only in the event of his or her death.

55. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that the report and the presentation of it made by the Mongolian representative amply demonstrated that Mongolia was putting its obligations under articles 10 to 12 of the Covenant fully into practice. Mongolia had made enormous progress over an exceptionally short period of time and had social legislation of which any developed country could be proud.

56. He had been a frequent traveller in Mongolia, both on business and as a tourist, and held the country in deep affection. To his mind, it could rival Switzerland in its natural beauty, while the purity of its air and the scope of its leisure and recreational facilities did not seem to enjoy the renown they deserved. He wondered, therefore, whether the Government had any plans to expand the tourist industry.

57. Mongolia also had extensive cultural facilities - museums, galleries, opera houses, theatres, ballet companies - affording every facility a child would need for a complete education. Such facilities were being set up in new cities rising out of what had previously been empty steppes: perhaps the Mongolian representative could inform the Group of the measures taken to protect and preserve the environment as such cities were built.

(Mr. Sofinsky, Union of Soviet Socialist Republics)

58. The report indicated that the maximum working day for manual workers aged between 16 and 18 was seven hours. He asked, accordingly, what the length of a normal working day was.

59. Mr. SAMSON (International Labour Organisation) drew attention to the indications of Mongolia contained in the ILO report (E/1981/41). Since Mongolia had ratified the ILO Maternity Protection Convention, 1952 (No. 103), the ILO Committee of Experts had requested information on the legislation governing the right to maternity leave and the maternity benefits enjoyed by women belonging to agricultural co-operatives, as well as the adoption of measures to establish maternity benefits at a rate equivalent to previous earnings irrespective of the duration of employment.

60. The Committee of Experts had also commented on the desirability of additional information concerning legislation on work by children and young persons in agricultural co-operatives and, more generally, outside an employment relationship. The Committee had raised that latter point in connexion with a number of countries, as one affecting children under the age at which they could legally conclude an employment contract, particularly children working in agriculture with other members of their family. The Committee had also expressed a wish for information on the provisions relating to compulsory education, in view of the link between school attendance and the minimum age for admission to work.

The meeting rose at 1 p.m.